

June 6, 1968

## CONGRESSIONAL RECORD — HOUSE

H 4657

Canada, 68 in West Germany, and 37 in Japan. 44,000 aggravated assaults are committed with guns in America each year; 50,000 robberies are committed with guns in America each year.

I have told the Congress and the Nation of the brutal loopholes in our laws. Two million guns were sold in the United States last year. Far too many were bought by the demented, the deranged, the hardened criminal and the convict, the addict, and the alcoholic. We cannot expect these irresponsible people to be prudent in their protection of us, but we can expect the Congress to protect us from them.

Weapons of destruction can be purchased by mail as easily as baskets of fruit or cartons of cigarettes. We must eliminate the dangers of mail-order murder.

The Congress has finally begun to take action. The Senate has passed a watered-down version of the Gun Control Law I recommended. The House has taken action on the Senate Bill.

But this half-way measure is not enough.

It covers adequately only transactions involving hand guns. It leaves the deadly commerce in lethal shotguns and rifles without effective control—fifty-five long months after the mail-order murder of President John F. Kennedy.

So today, I call upon the Congress in the name of sanity, in the name of safety—and in the name of an aroused nation—to give America the Gun Control Law it needs.

I urge the Congress to make it unlawful to sell rifles and shotguns—as well as hand guns—by mail order.

I urge the Congress to make it unlawful to sell rifles and shotguns—as well as hand guns—to persons who are too young to bear the terrible responsibility that is placed in the hands of a gun owner.

I urge the Congress to make it unlawful to sell rifles and shotguns—as well as hand guns—in one State to residents of another.

This will not prevent legitimate hunters or sportsmen from purchasing firearms but with this reinforced law we can give the States the proper incentive to shape their own gun control legislation, and the country can at long last have a network of systematic safeguards for all our citizens.

I am asking the Governors of the fifty States immediately and comprehensively to review their gun laws and to amend them where necessary to fully protect citizens of their States from deadly weapons in dangerous hands.

The voices of the few must no longer prevail over the interests of the many.

When I last appealed to the Congress on this subject again only a month ago, I asked this question: "What in the name of conscience will it take to pass a truly effective gun control law?"

In this new hour of tragedy, that question should at last be answered. Let us now spell out our grief in constructive action.

Sincerely,

LYNDON B. JOHNSON.

LONGER TERM LEASES ON  
HUALAPAI RESERVATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4919) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Hualapai Reservation in Arizona, with Senate amendments thereto, and disagree to the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## CORRECTION OF VOTE

Mr. OLSEN. Mr. Speaker, on rollcall No. 168, I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

## CRIME BILL

(Mr. ABBITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABBITT. Mr. Speaker, we have before us today legislation designated as the crime bill. This is a most important matter. Crime is rampant throughout the Nation. Morality has deteriorated so in America that unless something is done we will lose our civilization.

Since the shocking events of recent days, many of our leaders are hollering for a gun control bill giving the false impression that such legislation, if enacted, would alleviate crime. Such is far from the truth. Gun control laws, however stringent, will have very little, if any, effect on crime. What we need is a return to old-fashioned law enforcement.

Many of our leaders and many segments of the judiciary have been so hipped on the subject of protecting the criminal element that they have lost all thought of enforcing the laws. Many segments of our courts, including in particular a majority of the members of the Supreme Court of America, have pampered and protected criminals with no regard for society or law and order for so long that crime has become rampant and recognized as the order of the day.

We need to free our law enforcement officials from the curbs and shackles that have been put on them by the so-called Supreme Court. We need to give them wide latitude in enforcing the law. We need to throw off the barriers to law enforcement; curb the courts in their pampering and coddling of criminals; and replace officials who are unwilling to impartially and energetically carry out the law regardless of who the individual is. This is the crying need today.

This crime bill is a good step but only a step in that direction. It will in a small way let this so-called Supreme

Court of ours know that the people of America are interested in law and order; that they demand law and order and that they want criminals when proven guilty to be punished; that society must be protected; that the average citizen has rights and freedoms as well as criminals.

In my opinion, lawlessness and crime have been encouraged, pampered, and nurtured not only by the majority of the Supreme Court and certain segments of the judiciary but by many other leaders in government. The criminals have been given to understand that they will be protected in every way possible. They have been given an open invitation by people in high places to violate the laws they do not agree with. Until we have someone at the head of law enforcement in America who is dedicated to wiping out crime and to protecting society and the average citizen, we will never have peace and tranquillity. Too many political cronies with no judicial experience and little knowledge of the law have been placed in high judicial positions. We need dedicated personnel in our Judiciary, people who have had wide experience in the law and not just experience as could be expected of a justice of the peace.

In the Nation's Capital today, crime is rampant. People are afraid to go out on the street and when a hoodlum or criminal is arrested, the first thing he hollers is police brutality and the policeman is tried long before the criminal is brought to the bar of justice, if he ever is tried.

The present legislation we are considering is a small step in the right direction and before the tragic events of California many people in high places in this administration were lambasting the bill and trying to weaken it because it attempts in a small way to curb the majority of the Supreme Court in their efforts to pamper and coddle criminals and give them the necessary protection to prevent their conviction, guilty though they may be. Because of decisions of the Supreme Court, many confessed criminals are walking the streets of America, free and preying upon innocent people with no fear of being punished. The courts and many of our leaders have set up a super class of citizens. This special class of citizens are above the law supposedly.

There is opposition to this bill because it is said that the bill attacks the Supreme Court; that title II makes an assault on the Judiciary and that it would bring about a confrontation between the Congress and the Supreme Court. That is one of the reasons I wholeheartedly support this legislation. The Supreme Court needs to be attacked; the Supreme Court needs to be confronted by the Congress on behalf of the people we represent and demand justice under the law. The time has come when we must speak for our people. We must demand a return to sound principles of law. The Court has gone far astray and it is time to put a curb on its arrogant display of power and lack of judicial restraint. The majority of the members of the Supreme

Court have made a mockery of legal precedent and have changed the Constitution to the whims and fancies of their own political philosophy. It is impossible for anyone to know from day to day what the law is at that particular time. The time has come when this must be halted and let us go on with the job.

#### ~~PERMANENT FINANCING FOR CIVIL SERVICE RETIREMENT SYSTEM~~

(Mr. DANIELS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELS. Mr. Speaker, yesterday I was joined by my colleagues on the Subcommittee on Retirement, Insurance, and Health Benefits, in the introduction of a measure, somewhat new in concept and mechanics, to provide in full for the permanent financing of the Civil Service Retirement System. The purpose of the bill, H.R. 17682, is to assure that there will always be sufficient money in the retirement fund to permit the payment of all benefits provided by existing law, the improvements proposed therein, and those contemplated in the future—in full and on time.

With respect to financing, title I of the bill proposes:

First, increasing employee deductions and agency contributions, from 6½ to 7 percent, respectively, to cover the normal cost of present benefits;

Second, authorizing appropriations, over a 30-year period, to finance additional deficiencies which may be created by the future enactment of new or liberalized benefits, increases in pay, or extension of coverage to new categories of employees.

Third, the Government meeting its obligation for deficiencies already incurred by past legislation, by a progressive program of transferring from the Treasury to the retirement fund moneys equal to the interest on the presently increasing unfunded liability;

Fourth, reimbursement of the system by the Department of Defense for costs attributable to crediting periods of military service;

Fifth, requiring direct annual appropriations to cover the costs of future automatic cost-of-living adjustments and legislative increases to retirees and survivor annuitants; and

Sixth, deposits to the fund by employing agencies to cover the cost of granting retirement service credit for unused sick leave accruals.

It is emphasized that employees would be required to pay one-half of the normal costs of the benefits provided, and only from the date provided, and that the Government would pay all remaining costs—one-half of the normal costs, all newly-incurred unfunded liabilities, and interest on the presently growing unfunded liability created heretofore.

Title II of H.R. 17682 further proposes certain limited, but needed, improvements in the benefits structure of the retirement program, the additional costs of which would be covered by title I:

First, granting of service credit for unused sick leave upon immediate retire-

ment from or death in active employment;

Second, including all remuneration for services performed—such as overtime pay, differential, premium pay—for purposes of contributions and average salary;

Third, modifying the average salary computation period from 5 years to 3 years;

Fourth, increasing all future cost-of-living percentage adjustments by an additional 1 percent; and

Fifth, revising the remarriage provisions of the law so as to continue payment of survivor annuity in all cases where remarriage after attaining age 60 occurs on or after July 18, 1966.

Mr. Speaker, it is the judgment of the cosponsors of H.R. 17682, that this approach offers a sound answer to a most serious financial problem and will achieve most, if not all, of the objectives sought.

#### RETIREMENT PAY OF RETIRED MILITARY PERSONNEL SHOULD BE BASED UPON A PERCENTAGE OF ACTIVE-DUTY PAY

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, on behalf of myself and 28 of my colleagues who have agreed to cosponsor the bill, I am introducing legislation which would restore for those who retired prior to June 1, 1958, the longstanding principle of allowing retired military personnel to base their retirement pay upon a percentage of active-duty pay.

Mr. Speaker, for more than 100 years military men were recruited and continued their military service with the clear-cut understanding that their retired pay would be based upon a percentage of current active-duty pay.

The Defense Department has admitted that this right to recompute was both a moral and legal obligation for more than 100 years. Defense Department officials have stated that though the military retirement system is not a contributory system, military men, by accepting a lower active-duty pay, do achieve the effect of contributing to their retirement. However, unlike civil service retirement, nothing is credited to their accounts and if they leave before retirement they have no equity to collect. Nor do their survivors have any right to this equity or a continued annuity. The retired military man is still subject to orders by his Commander in Chief and his retirement pay is, in effect, deferred earned pay. Let me emphasize this point—retired pay is earned pay.

In 1958 Congress, without any warning to those who had served in good faith and entered retirement status in reliance upon the moral and legal obligation of this Nation, decided to abolish recomputation and to substitute cost-of-living increases. But the Congress did not bother to repeal title X, section 6149, of the United States Code which guaranteed recomputation as a legal right. Finally, in 1963, this section was repealed and those who retired after passage of

the 1958 act and before passage of the 1963 act were given the benefits of recomputing on the basis of the 1958 act. After 1963, however, they were denied this right. So today we have a situation where a man who retires prior to a pay raise will receive one level of retired pay, while another man with exactly the same length of service and exactly the same grade, will receive a greater sum simply because he retired at a later date.

If retired pay is in fact earned pay, as the Defense Department has admitted, then why should it be bestowed upon military retirees under a dual standard? This is an inequity and one which should be corrected.

Mr. Speaker, I firmly believe that the principle of recomputation should be restored for all retirees, and I have joined with others in sponsoring the Retired Officers Association bill, which would accomplish this. However, while the principle embodied in that bill passed the House, it died in the Senate and, as a purely practical matter, I must admit that that bill will not become law in the near future. Therefore, I am today embarking upon a new strategy in the introduction of a bill which will restore recomputation to only those who retired prior to June 1, 1958.

Admittedly this is half a loaf, but it does reestablish a principle. It recognizes the very tight budgetary situation of the moment by restoring recomputation to only those who retired more than 10 years ago. Thus my bill avoids the heavy expenditure which would be involved in a complete restoration of recomputation.

The pre-June 1, 1958, retiree is the man who was given no notice whatsoever that Congress would change rules in the middle of the game. He had already entered retirement status and the performance of a contract had begun. To change the terms of the contract at such a time was a breach of faith by the Congress. Though I believe they should be entitled to recompute, those who retired after the 1958 act were at least given some sort of warning that recomputation would end.

Thus, my bill is limited to those against whom the most serious breach of faith was committed. It is limited to a relatively small number of retirees, whose number diminishes each year. It will cost about \$100 million for the first year and less thereafter. Let us remember that many of these men served in three major wars. Is \$100 million too much if by appropriating it we can honestly say that we have fulfilled our word to such men?

Mr. Speaker, I am hopeful that those who would prefer the full restoration of recomputation, as I do, will join me in urging passage of the bill I am introducing today. Because it is limited, it may be that we can have a hearing on the subject of recomputation and break the present logjam. Only by having a hearing can the subject matter be considered. Only with a hearing do we have any chance whatever for full restoration of the principle.

#### MARINE MASSACRE IN WASHINGTON, D.C.

(Mr. RARICK asked and was given permission to address the House for